

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH CONSTANT,

Plaintiff,

Case No. 16-14501

v.

Honorable John Corbett O'Meara

CHERYL A. MATTHEWS,

Defendant.

**ORDER DENYING
PLAINTIFF'S MOTION FOR APPOINTED COUNSEL AND FOR STAY**

This matter came before the court on plaintiff Joseph Constant's May 3, 2017 Motion Requesting Appointment of Pro Bono Counsel and Stay of Proceedings [*sic*] Pending Assignment of Counsel. No response was filed, and no oral argument was heard.

The appointment of counsel in a civil case is a privilege and not a constitutional right, one that should be allowed only in exceptional cases. Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982). The United States Court of Appeals for the Sixth Circuit has advised that district courts, in considering an application for appointment of counsel in civil cases, “should at least consider plaintiff’s financial resources, the efforts of

plaintiff to obtain counsel, and whether plaintiff's claim appears to have any merit."

Henry v. City of Detroit Manpower Dep't., 763 F.2d 757, 760 (6th Cir. 1985).

Plaintiff Constant's financial resources are unknown to the court. In addition, it is unclear what attempts, if any, the plaintiff has made to obtain counsel. More importantly, however, is that plaintiff Constant's claims appear to have no merit, as the defendant is entitled to absolute immunity. Accordingly, the court must deny Plaintiff's motion for appointment of counsel.

ORDER

It is hereby **ORDERED** that plaintiff Constant's May 3, 2017 motion is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: June 5, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 5, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager